

REMARKS

Reconsideration and withdrawal of the rejections to the claims set forth in the Office Action of January 15, 2003 are respectfully requested in view of the following remarks.

Status of the claims

Claims 1-9 are pending.

Claims 2-3 stand rejected under 35 U.S.C. § 112.

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. § 102.

Claims 5, 8, and 9 stand rejected under 35 U.S.C. § 103.

Claims 1-3 have been amended.

None of the amendments to the claims introduces new matter.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 2-3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. Applicant has amended claim 2 to correct the antecedent basis rejection as well as to clarify that the plane described is the plane that contains the shaft of the mandrel. Applicant has amended claim 3 to clarify that the plane described is the plane that contains the center of the recapping tools. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1-4, 6, and 7 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,528,476 to Hawkinson, Jr. (“the Hawkinson, Jr. reference”) or U.S. Patent No. 2,965,162 to Hawkinson (“the Hawkinson reference”). Reconsideration and withdrawal of this rejection are respectfully requested based on the following remarks.

As defined in claim 1, the invention concerns an apparatus for recapping tires. The apparatus includes a first support structure which has a mandrel that is mounted for translation on the first support structure and a shaft for mounting the mandrel for rotation which is supported by a carriage. The apparatus also includes a second support structure to support recapping tools mounted for translation on the second support structure in a direction approximately perpendicular to that of translation of the mandrel. The direction of translation of the mandrel is parallel to the mounting shaft of the mandrel. Further, claim 1 requires that when the recapping tools and/or the mandrel is translated, "the recapping tools are able to contact substantially an entire exterior of the tire, and a distance between the carriage and a center of mass of the tire remains approximately constant." Thus, among other things, the instant claimed invention requires (1) the recapping tools to contact substantially all exterior surface of the tire and (2) the distance between the center of mass of the tire and the carriage to remain approximately the same during translation of the mandrel.

The Hawkinson reference and the Hawkinson Jr. reference are both directed toward devices for recapping tires. Both references contain a first structure having a mandrel which rotates about a shaft, and a second support structure having recapping tools on a cam and cam follower setup capable of translating in a direction parallel to the direction of the shaft containing the mandrel. When a larger tire is fit onto the first structure, the distance between the center of mass of the tire and the support structure changes. This change in distance can cause stability and vibration problems, which the instant application seeks to overcome. Moreover, unlike the Hawkinson reference and the Hawkinson Jr. reference which require a cam and cam follower setup to accomplish recapping, the translation of the first and second structures in the instant application permits the recapping tools to contact substantially all of the exterior surface of the

tire. The Hawkinson, Jr. reference or the Hawkinson reference, thus, does not disclose or suggest, either alone or in combination with other references of record, "when at least one of the recapping tools and the mandrel is translated, the recapping tools are able to contact substantially an entire exterior of the tire, and a distance between the carriage and a center of mass of the tire remains approximately constant," as recited in claim 1 of the instant application in combination with the other elements recited therein. In view of the complete absence of this claim limitation in either the Hawkinson, Jr. reference or the Hawkinson reference, and thus the fact that the Hawkinson, Jr. reference or the Hawkinson reference does not disclose each and every element of claim 1, either expressly or inherently, there can be no anticipation of the claimed invention by the either the Hawkinson, Jr. reference or the Hawkinson reference. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn and claim 1 should be allowed.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claim 5, 8, and 9 under 35 U.S.C. § 103 as being unpatentable over the Hawkinson, Jr. reference the Hawkinson reference, and further in view of other cited references. Reconsideration and withdrawal of this rejection are respectfully requested based on the following remarks.

Applicant believes that amended claim 1 is not anticipated by either the Hawkinson, Jr. reference or the Hawkinson reference. As such, claims 5, 8, and 9, which are dependent upon claim 1, are not rendered obvious by the combination of these references with the other cited references.

Conclusion

In view of the foregoing, the application is now believed to be in condition for formal allowance. Prompt and favorable action is respectfully requested. A check in payment of the

requisite extension of time fee is enclosed. Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
BAKER BOTTS L.L.P.

By:


Richard G. Berkley

Patent Office Reg. No. 25,465

Kimberly J. McGraw
Patent Office Reg. No. 50,994
30 Rockefeller Plaza
New York, NY 10012-4498
Attorneys for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants
212-408-2500